

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
WESTERN DIVISION**

**CIVIL ACTION NO. 04-30177 KPN**

**JOEL PENTLARGE,  
Plaintiff,**

**v.**

**Robert Murphy, et al.,  
Defendants.**

**MOTION FOR A PROCEDURAL ORDER AND EXTENSION OF TIME**

Deborah O'Donnell and Natalya Pushkina, employees of Forensic Health Services, Incorporated (collectively, the "FHS Defendants"), hereby request that the Court order the plaintiff to set forth his complaint in a single document that complies with the requirements of Fed.R.Civ.P.8(a).

As grounds for this procedural order, the FHS Defendants state as follows:

1. The Plaintiff is civilly committed to the Massachusetts Treatment Center ("Treatment Center") as a sexually dangerous person. In this civil action, the plaintiff broadly challenges the conditions of his civil confinement at the Treatment Center and the Treatment Center's Operation. The plaintiff filed his original complaint on September 8, 2004. That complaint contains 94 separately numbered paragraphs. On September 27, 2004, the Court, Neiman, U.S.M.J., allowed the plaintiff to amend the complaint. The amended complaint, dated September 20, 2004, contains separately

numbered paragraphs beginning with paragraph number 95 through paragraph number 109. On October 15, 2004, the Court, Neiman, U.S.M.J., allowed the plaintiff's motion to file a supplemental complaint, dated September 28, 2004. This supplemental complaint contains separately numbered paragraphs beginning with paragraph number 109 through paragraph number 137.

2. The undersigned counsel was retained on December 9, 2004 to represent Deborah O'Donnell and Natalya Pushkina (FHS Defendants). There was no prior counsel retained by the FHS Defendants. On December 12, 2004, undersigned counsel sent the plaintiff a waiver of summons for the FHS defendants. The date on the summons sent to the FHS Defendants was October 8, 2004. The 60 day time requirements of Fed.R.Civ.P. 4 for answering the plaintiff's complaint expired on December 8, 2004. As of this date the plaintiff has not moved for a default judgment against the FHS Defendants. On December 23, 2004, undersigned counsel received a letter from the plaintiff acknowledging receipt of the waivers of summons and detailing his intention to move for a default judgment against the FHS Defendants if their answer is not received by December 30, 2004.<sup>1</sup> To date, none of the Defendants has filed an answer to any of the complaints.
3. Given (1) the fact that the plaintiff has now filed three complaints in this action, (2) the fact that the case stands in a preliminary posture, (3) the plaintiff has alleged no prejudice, and (4) the recent assignment of this case to undersigned counsel, it is not in the interests of justice to grant the

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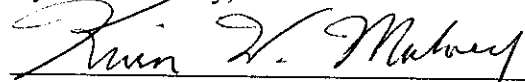
<sup>1</sup> A copy of the plaintiff's letter is attached to this motion.

plaintiff's motion. Further, in light of the evolving and expanding nature of the plaintiff's complaint, it is in the interests of justice to direct the plaintiff to file a single amended complaint in which he sets forth all of his remaining claims. Since the plaintiff is a disbarred attorney, it is not unreasonable or burdensome to require him to set forth his claims in a single document that complies with the requirements of Fed.R.Civ.P. 8(a). The FHS Defendants request that they then be granted 30 days from the date of such filing to respond to the single amended complaint.

WHEREFORE, Deborah O'Donnell and Natalya Pushkina request that this Court order the plaintiff to file a single amended complaint in which he sets forth all of his claims in one document that complies with Fed.R.Civ.P. 8(a), and they then be granted 30 days in which to respond to that amended complaint.

Respectfully submitted,  
Deborah O'Donnell and Natalya Pushkina

By their attorney,

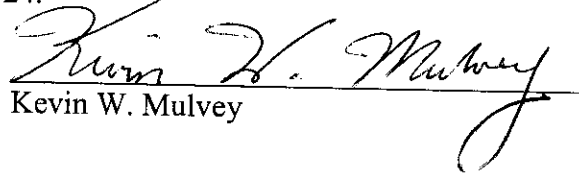


Kevin W. Mulvey, Counsel (BBO# 642914)  
Mulvey & Sneider, LLP  
1622A Beacon Street, Brookline, MA 02446  
617-278-1881 Ext. 2  
617-278-1888 (Fax)

Dated: December 27, 2004

**Certificate of Service**

I hereby certify that a copy of the within document was sent via first class mail to the pro se plaintiff, Joel Pentlarge at the Nemasket Correctional Facility, 30 Administration Road, Bridgewater, MA 02324.

  
Kevin W. Mulvey

Dated: December 27, 2004

December 16, 2004

Joel Pentlarge  
Nemasket Correctional Center  
30 Administration Rd.  
Bridgewater, MA 02324

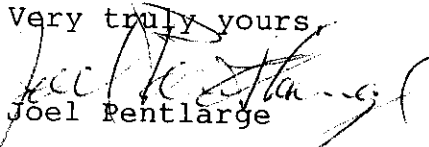
Attorney Kevin W. Mulvey  
Mulvey & Sneider, LLP  
1622A Beacon St.  
Brookline, MA 02446-2201

Re: Pentlarge v. Murphy, et al,  
U.S.D.C. Docket No. 04-30177-KPN

Dear Attorney Mulvey:

Thank you for sending me the waivers of service for Natalya Pushkina and Debra O'Donnell. The answers for both of them were due on December 8, 2004. If I do not hear from you, or if you do not file an answer on their behalf by December 30, 2004, I will have no choice but to file a request for entry of default against them.

Very truly yours,

  
Joel Pentlarge

cc: Attorney William Newman